THE TRANSPORT OF SALT ACT, 1879.

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ACT No. XVI OF 1879.[1]

[THE TRANSPORT OF SALT ACT, 1879.]

[*30th September 1879.*]

Repealed in part, by Act 11 of 1901 ;
Amended by Act 12 of 1891 ;
,, ,, ,, 4 of 1914 ;
,, ,, ,, 22 of 1925 ;
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

An Act to restrict the transport of Salt by Sea.

WHEREAS it is expedient to restrict the transport of salt by sea in manner hereinafter appearing; It is hereby enacted as follows:— Preamble.

1. This Act may be called the Transport of Salt Act, 1879: Short title.

It extends to the western coast of [2][the Provinces] north of Cochin, and to the sea within a distance of a marine league from such coast; Local extent.

[3]* * * * *

[4]1A. The "Central Board of Revenue" means the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924. Definition.

2. When any salt is carried by sea in any vessel other than a vessel of the burden of three hundred tons and upwards, the owner and master of such vessel shall each be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both. Penalties for carrying salt in certain vessels.

3. Nothing in section 2 applies to— Exceptions.

(*a*) salt covered by a permit granted under [5][Chapter V of the Madras Salt Act, 1889, or Chapter V of the Bombay Salt Act, 1890, or the corresponding law for the time being in force [6]* * *]; Mad. IV of 1889. Bom. II of 1890.

(*b*) salt covered by a pass granted by any officer whom the [7][Central Board of Revenue] may appoint in this behalf;

(*c*) such amount of salt carried on board any vessel for consumption by her crew or by the passengers or animals (if any) on board as the [7][Central Board of Revenue] may, from time to time, exempt from the operation of section 2.

4. When any officer empowered by the [8][Chief Customs authority] whether by name or office, to act under this section has reason to believe, from personal knowledge or from information taken down in writing, that any salt is being carried, or has within the twenty-four hours next before the requirement first hereinafter Power of stoppage, search and arrest.

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[1] For Statement of Objects and Reasons, *see Gazette of India*, 1877, Pt. V, p. 16; for First Report of the Select Committee, *see ibid*, p. 94*a*; and for Proceedings in Council, *see ibid*, Supplement, pp. 88, 126, 493, and *ibid*, 1879, p. 1223.

[2] The words "the Provinces" were substituted for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[3] The words "and it shall come into force at once" were repealed by the Repealing and Amending Act, 1901 (11 of 1901), s. 3, and Third Schedule.

[4] Section 1A was inserted by clause 1 of Part I of the Schedule to Act 22 of 1925.

[5] These words were substituted for the words "section twenty-eight or section thirty-one of the Act of the Governor of Bombay in Council, No. 7 of 1873, or by a rawana granted under Madras Regulation 1 of 1805, section 11, clause third", by the Repealing and Amending Act, 1891 (12 of 1891).

[6] The words "in the territories administerd by the Governor of Fort St. George in Council or the Governor of Bombay in Council, as the case may be" were omitted by the Adaptation of Indian Laws Order in Council.

[7] The words "Central Board of Revenue" were substituted for the words "Governor of Bombay in Council" by clause 2 of Pt. I of the Schedule to Act 22 of 1925.

[8] These words were substituted for the words "Governor of Bombay in Council" by Schedule, Pt. I of the Decentralization Act, 1914 (4 of 1914).

mentioned been carried, in any vessel so as to render the owner or master of such vessel liable to the penalties prescribed by section 2, he may require such vessel to be brought to, and thereupon may—

(*a*) enter and search the same;

(*b*) require the master of such vessel to produce any documents in his possession relating to such vessel or the cargo thereof;

(*c*) seize such vessel if the said officer has reason to believe it liable to confiscation under this Act, and cause it to be brought with its crew and cargo into any port in [1] [the Provinces]; and

(*d*) where salt is found on board such vessel, search and arrest without a warrant any person on board the same who such officer has reason to believe is punishable under section 2.

Penalties for resisting officer.

5. Any master of a vessel refusing or neglecting to bring to or to produce his papers when required to do so by an officer acting under section 4,

and any person obstructing any such officer in the performance of his duty,

may be arrested by such officer without a warrant, and shall be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Confiscation of vessel and cargo.

6. Every vessel in which salt is carried so as to render the owner or master of such vessel liable to the penalties prescribed by section 2, the cargo on board such vessel and all salt in respect of which an offence under this Act has been committed shall be liable to confiscation.

The confiscation of any vessel under this section shall include her tackle, apparel and furniture.

Confiscations under this section may be adjudged by the Chief Customs authority, or by such other officer as the [2] [Central Government] may, from time to time, appoint in this behalf.

Whenever any Customs-officer is satisfied that any article is liable to confiscation under this section, he may seize such article, and shall at once report the seizure to his superior officer for the information of the Chief Customs authority or such other officer as aforesaid, and such authority or officer may, if satisfied on such report, or after making such enquiry as it or he thinks fit, that the article so seized is liable to confiscation, either declare it to be confiscated, or impose a fine in lieu thereof not exceeding the value of the article.

Jurisdiction.

7. For the purpose of the adjudication of penalties under section 2 or section 5, every offence thereunder may be deemed to have been committed within the limits of the jurisdiction of the Magistrate of any place where the offender is found, or to which, if arrested under section 4 or section 5, he may be brought.

Powers to exempt from operation of Act.

8. The [2] [Central Government] may from time to time, by notification in the [3] [Official Gazette] exempt the carriage of salt within any local limits or in any class of vessels from the operation of this Act, and by like notification, again subject such carriage to the operation of this Act.

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[1] The words "the Provinces" were substituted for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[2] The words "Central Government" were substituted for the words "Governor General in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "Official Gazette" were substituted for the words "Gazette of India", *ibid.*